

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/GB2004/003107

International filing date (day/month/year)
19.07.2004

Priority date (day/month/year)
19.08.2003

International Patent Classification (IPC) or both national classification and IPC
E21B17/01, B63B21/50, B63B21/66

Applicant
CRP GROUP LIMITED

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☒ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

IAP20 RECEIVED

10/588710

17 FEB 2006
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Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. II Priority

1. ☒ The following document has not been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application,

☒ claims Nos. 18

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 18 are so unclear that no meaningful opinion could be formed (*specify*):

see separate sheet

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☐ no international search report has been established for the whole application or for said claims Nos.

☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form

☐ has not been furnished

☐ does not comply with the standard

the computer readable form

☐ has not been furnished

☐ does not comply with the standard

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.

☐ See separate sheet for further details

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	9-14, 16, 17
	No: Claims	1-8, 15
Inventive step (IS)	Yes: Claims	
	No: Claims	1-17
Industrial applicability (IA)	Yes: Claims	1-17
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

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Re item III

In contrast with Rule 6.2(a) PCT claim 18 relies entirely on references to the drawings.

Therefore the scope of the claim is not defined and for this reason this claim is not examined.

Re Item V.

- 1 The following document is referred to in this communication:

D1: GB-A 2 192 015

D2: US-A 4 078 605

D3: US-A 2002/0134553

- 2 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.
 Document D1 discloses (the references in parenthesis applying to this document):
 - a fairing for mounting upon a cylindrical member for underwater deployment, the fairing consisting a fairing body (fig. 7, 8; (61)) which, viewed along its length, is substantially wedge-shaped, having a relatively broad front tapering to relatively narrow trailing edge, and at least two collars (68) which are both secured to the fairing body (61) and are separated from each other along the length of the fairing body, the collars being positioned and aligned to receive the cylindrical member (13) with the fairing body's front lying adjacent the cylindrical member and the axis of the cylindrical member lying along the length of the fairing body (fig. 8), thereby to pivotally mount the fairing body upon the cylindrical member such that it is able to rotate about the axis of the cylindrical member and so align itself with a water current (page 1, lines 105-107- (type c)), the fairing body and the cylindrical member together defining, when viewed along the length of the fairing, a teardrop shape (fig. 8) having a leading edge formed, between the collars, by the cylindrical member (fig. 6).

A fairing with all the features defined in claim 1 of the present application is thus already known from the above cited prior art document. Claim 1 does therefore

not meet the requirements of Article 33 (2) PCT.

- 3 Dependent claims 3-7, 15 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty (Article 33(2)), their subject-matter being also disclosed in prior art D1 as follows:

claim 2 - fig. 7, 8

claim 3 - fig. 7, (68); page 1, line 124 - page 2, line 1

claim 4, 5 - fig. 7, 8: (68); page 1, line 124 - page 2, line 1

claim 6 - fig. 7, 8: (68, 67, 69, 610); page 1, line 124 - page 2, line 1

claim 7 - fig. 7, 8 (610)

claim 8 - fig. 7, 8 (68)

claim 15 - page 1, line 124 - page 2, line 1

- 4 The additionally specified feature of dependant claim 9 is also disclosed in D1 - (fig. 3b: (31, 13)), in a separate embodiment and therefore said claims does not meet the requirements of Art. 33(3) PCT.
- 5 Having regard to remaining dependant claims 10-14, 16 and 17 it is pointed out that they seem to relate to minor constructional features which will be selected and used by the man skilled in the art as and when he needs them, without any inventive thought being required (see for example the feature bearing element (17, 26) used for a fairing element (23) in D2 or the fairing (fig. 6) neutrally buoyant of D3). Therefore these claims also do not meet the requirements of Art 33 (3) PCT.

Re item VII

Claim 1 is not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art document D1 being placed in the preamble (Rule 6.3(b)(I) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).

To meet the requirements of Rule 5.1(a)(ii) PCT, the document D1 should be identified in the description and the relevant background art disclosed therein should be briefly discussed.

The features of the claims should be provided with reference signs placed in

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parentheses to increase the intelligibility of the claims (Rule 6.2(b) PCT). This applies to both the preamble and characterising portion.

In order to facilitate the examination of the conformity of the amended application with the requirements of Article 19(2), 34(2)(b) PCT, the applicant is requested to clearly identify the amendments carried out, irrespective of whether they concern amendments by addition, replacement or deletion, and to indicate the passages of the application as filed on which these amendments are based.